

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 02 2016

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

VYSEAN LEANDRE EMBRY,  
a/k/a "V",  
a/k/a "VY",  
a/k/a "Hollywood",  
KELLY JOHNSON,  
a/k/a "Baby Kelly",  
DEVINA PATEL,  
DAXESH PATEL,

Defendants.

) Case No. 15-CR-00133-GKF  
)  
) SECOND SUPERSEDING  
) INDICTMENT  
) [COUNT 1: 21 U.S.C. §§ 846,  
) 841(b)(1)(A)(iii)(II) - Drug Conspiracy;  
) Forfeiture Allegation: 21 U.S.C.  
) § 853(a) - Drug Conspiracy Forfeiture;  
) COUNTS 2 through 11 and 13 through  
) 16: 21 U.S.C. §§ 841(a)(1) and  
) 841(b)(1)(C) - Distribution of Cocaine  
) Base;  
) COUNT 12: 18 U.S.C. § 924(c)(1)(A)(i)  
) - Possession of Firearm In Furtherance  
) of a Drug Trafficking Crime;  
) COUNT 17: 21 U.S.C. §§ 841(a)(1)  
) and 841(b)(1)(C) - Possession of  
) Cocaine Base with Intent to Distribute;  
) COUNTS 18 through 28: 21 U.S.C. §  
) 843(b) - Use of a Communication  
) Facility in Committing, Causing and  
) Facilitating the Commission of a Drug  
) Trafficking Felony;  
) COUNT 29: 21 U.S.C. §§ 846 and  
) 856(b)- Drug Conspiracy; Forfeiture  
) Allegation: 21 U.S.C. § 853(a) - Drug  
) Conspiracy Forfeiture]

THE GRAND JURY CHARGES:

COUNT ONE

[21 U.S.C. §§ 846 and 841(b)(1)(A)(iii)(II)]

Beginning as early as on or about November 2014, a more exact date being unknown to the Grand Jury, and continuing to the date of this Second Superseding Indictment, in the Northern District of Oklahoma, the defendants, **VYSEAN LEANDRE**

**EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, **KELLY JOHNSON**, a/k/a “Baby Kelly”, the defendants herein, together and with others known and unknown to the Grand Jury, did willfully, knowingly, and intentionally conspire, confederate, and agree together and with others, both known and unknown to the Grand Jury, to commit offenses against the United States as follows:

1. To possess with intent to distribute 280 grams or more of a mixture and substance containing a detectable amount of cocaine base, a/k/a “crack”, a Schedule II controlled substance, a violation of Title 21, United States Code, Section 841(a)(1); and

2. To distribute 280 grams or more of a mixture and substance containing a detectable amount of cocaine base, a/k/a “crack”, a Schedule II controlled substance, a violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(iii)(II).



**DRUG CONSPIRACY**  
**FORFEITURE ALLEGATION**  
**[21 U.S.C. § 853(a)]**

The allegations contained in Count One through Count Eighteen of this Second Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

Upon conviction of the drug conspiracy and offenses alleged in Counts One through Eighteen of this Second Superseding Indictment, as part of their sentence, the defendants, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, and **KELLY JOHNSON**, a/k/a “Baby Kelly”, shall forfeit to the United States any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such drug conspiracy and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such conspiracy, including, but not limited to:

**MONEY JUDGMENT**

A sum of money in an amount of at least \$2,903,040 representing proceeds obtained as a result of the cocaine base conspiracy, and the value of the drugs involved in such conspiracy, for which the defendants are jointly and severally liable.

**UNITED STATES CURRENCY**

1. Approximately \$45,059 in United States Currency seized July 30, 2015; and
2. Approximately \$642 in United States Currency seized July 30, 2015.

## **VEHICLE**

2007 Cadillac Escalade, VIN 1GYEC63897R381266, seized July 30, 2015.

Pursuant to Title 21, United States Code, Section 853(p), the defendants shall forfeit substitute property, up to the value of the property described above if, by any act or omission of the defendants, the property described above, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

All pursuant to Title 21, United States Code, Section 853(a).

**COUNT TWO**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about March 26, 2015, in the Northern District of Oklahoma, the defendant, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT THREE**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about April 1, 2015, in the Northern District of Oklahoma, the defendant, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT FOUR**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about April 14, 2015, in the Northern District of Oklahoma, the defendant, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).



**COUNT FIVE**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about April 21, 2015, in the Northern District of Oklahoma, the defendants, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, and another known to the grand jury, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT SIX**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about April 27, 2015, in the Northern District of Oklahoma, the defendant, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT SEVEN**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about April 30, 2015, in the Northern District of Oklahoma, the defendant, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT EIGHT**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about May 8, 2015, in the Northern District of Oklahoma, the defendants, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, and another person known to the grand jury, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT NINE**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about May 14, 2015, in the Northern District of Oklahoma, the defendants **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT TEN**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about May 21, 2015, in the Northern District of Oklahoma, the defendant, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT ELEVEN**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about May 28, 2015, in the Northern District of Oklahoma, the defendant, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT TWELVE**  
**[18 U.S.C. § 924(c)(1)(A)(i)]**

On or about May 28, 2015, in the Northern District of Oklahoma, the defendant, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly possess a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, to wit: Distribution of Cocaine Base, a/k/a “Crack”, a violation of Title 21, United States Code, Section 841(a)(1), as more fully set forth in Count Eleven of this Second Superseding Indictment.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).



**COUNT THIRTEEN**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about June 15, 2015, in the Northern District of Oklahoma, the defendants, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, and **KELLY JOHNSON**, a/k/a “Baby Kelly”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT FOURTEEN**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about June 16, 2015, in the Northern District of Oklahoma, the defendant, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT FIFTEEN**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about June 26, 2015, in the Northern District of Oklahoma, the defendant, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT SIXTEEN**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about July 21, 2015, in the Northern District of Oklahoma, the defendants, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, and another person known to the grand jury, did knowingly and intentionally distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT SEVENTEEN**  
**[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]**

On or about July 29, 2015, in the Northern District of Oklahoma, the defendants, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, and another person known to the grand jury, did knowingly and intentionally possess with intent to distribute cocaine base, a/k/a “crack”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNTS EIGHTEEN THROUGH TWENTY-EIGHT**  
**[21 U.S.C. § 843(b)]**

On or about the dates listed below, in the Northern District of Oklahoma, the defendants **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, and others known to the Grand Jury, knowingly and intentionally used a communication facility, that is a telephone (cellular or otherwise), in committing, causing, and facilitating acts constituting felonies under Title 21, United States Code, Section 846 and 841(a)(1), in that the defendants used the telephones to discuss various matters concerning conspiracy to possess with intent to distribute and distribute cocaine and cocaine base, and distribution of cocaine base, commonly referred to as “crack”, Schedule II controlled substances, all in violation of Title 21, United States Code, Section 843(b) as set forth in the chart below:

<b>COUNT</b>	<b>DATE</b>	<b>DEFENDANT(S)</b>
<b>18</b>	3/26/2015	Vysean Embry
<b>10</b>	4/1/2015	Vysean Embry
<b>20</b>	4/10/2015	Vysean Embry
<b>21</b>	4/14/2015	Vysean Embry
<b>22</b>	4/21/2015	Vysean Embry
<b>23</b>	4/27/2015	Vysean Embry
<b>24</b>	4/30/2015	Vysean Embry
<b>25</b>	5/5/2015	Vysean Embry
<b>26</b>	5/8/2015	Vysean Embry
<b>27</b>	5/14/2015	Vysean Embry
<b>28</b>	5/21/2015	Vysean Embry

**COUNT TWENTY-NINE**  
**[21 U.S.C. §§ 846 and 856(b)]**

Beginning as early as November 2014 and continuing to the date of this Second Superseding Indictment, in the Northern District of Oklahoma, the defendants, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, **DEVINA PATEL** and **DAXESH PATEL**, and others, did, did willfully, knowingly and intentionally conspire, confederate and agree together and with others, both known and unknown to the Grand Jury, to commit offenses against the United States as follows:

To lease, rent, use or maintain a place, namely, the Tonight Inn and Suites Motel or rooms therein, located at 8833 East Admiral Place North, Tulsa, Oklahoma, for the purpose of manufacturing, storing and distributing cocaine base, a/k/a “crack”, a Schedule II controlled substance, a violation of Title 21, United States Code, Section 856(a)(1).

All in violation of Title 21, United States Code, Sections 846 and 856(b).

**DRUG CONSPIRACY**  
**FORFEITURE ALLEGATION**  
**[21 U.S.C. § 853(a)]**

The allegations contained in Count Twenty-Nine of this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

Upon conviction of the drug conspiracy alleged in Count Thirty-One of this Superseding Indictment, as part of their sentence, the defendants, **VYSEAN LEANDRE EMBRY**, a/k/a “V”, a/k/a “VY”, a/k/a “Hollywood”, **DEVINA PATEL**, and **DAXESH PATEL**, shall forfeit to the United States any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such conspiracy and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such conspiracy, including, but not limited to:

**MONEY JUDGMENT**

A sum of money in an amount of at least \$237,600 representing proceeds obtained as a result of the maintaining a drug involved premises conspiracy, and any property used, or intended to be used, to facilitate such conspiracy, and the value of the drugs involved in such conspiracy, for which the defendants are jointly and severally liable.

**UNITED STATES CURRENCY**

Approximately \$45,059 seized July 30, 2015.

Pursuant to Title 21, United States Code, Section 853(p), the defendants shall forfeit substitute property, up to the value of the property described above if, by any act

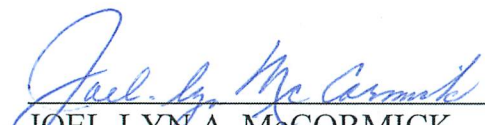


or omission of the defendants, the property described above, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

All pursuant to Title 21, United States Code, Section 853(a).

DANNY C. WILLIAMS, SR.  
UNITED STATES ATTORNEY

A TRUE BILL

  
JOEL-LYN A. MCCORMICK  
Assistant United States Attorney

\_\_\_\_\_  
*/s/Grand Jury Foreperson*  
Grand Jury Foreperson